IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4390 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4391 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4768 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4769 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4771 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4772 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4773 OF 2004

Shri. Sandeep Raghavji Gala ...Applicant

Versus

Mahesh Manohar Andhari & Ors ...Respondents

.....

Mr. S.P. Kadam, Advocate for Applicant.

Mr. P.U. Badadare i/b Mr. Swapnil Pednekar for Respondent No.1.

Mr. V.B. Konde Deshmukh, A.P.P. for State in Appln Nos.4390, 4391, 4768, 4769 and 4771 of 2004.

Mr. B.H.Mehta, A.P.P. for State in Appln No.4772 and 4773 of 2004.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 23RD AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicant, the the learned advocate for the respondent No.1 i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case Nos.38/2003, 625/2002, which are pending in the Court of learned J.M.F.C. Malwan and Criminal Case Nos. 121/2003, 323/2003, 324/2003, 340/2003 and 341/2003 which are pending in the Court of learned J.M.F.C. Kankawali. In the said cases, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today. The learned

advocate for the respondent No.1 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

*****